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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,542	11/17/2005	Daniil Utin	13984-006US1	6862
26161	7590	05/28/2008	EXAMINER	
FISH & RICHARDSON PC			CHEN, SHIN HON	
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER
			2131	
			MAIL DATE	DELIVERY MODE
			05/28/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/532,542	UTIN, DANIIL	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHIN-HON CHEN	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5 and 7-10 is/are rejected.
- 7) Claim(s) 2-4,6,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. Claims 1-12 have been examined.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 101 because

the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result). In this instance, the claims disclose a method for positively identifying a client machine to a backend without disclosing the tangible result of processes and the actual step of integrity check/comparison is not recited.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childs et al. U.S. Pat. No. 7234157 (hereinafter Childs) in view of Ellison et al. U.S. Pat. No. 7082615 (hereinafter Ellison).

5. As per claim 1 and 10, Childs discloses a system for positively identifying a client machine running a client application to a backend, comprising executing a ClientID storage process, including upon connection by the client application to the backend, generating a unique ClientID at the backend for the client machine (Childs: column 3 lines 60-67), sending the ClientID to the client application (Childs: column 3 lines 60-67), reversibly scrambling the ClientID with the client application at the client machine and storing a first scrambled version of the ClientID at a first predetermined location on the client machine (Childs: column 4 lines 1-12: encrypt the credential). Childs does not explicitly disclose the credential includes checksum and reversibly scrambling the ClientID with the client application at the client machine and storing a second scrambled version different from the first version of the ClientID at a second predetermined location on the client machine. However, Ellison discloses generating a hash of a file in registry intended to be checked for integrity and generating an encrypted secure copy of the file using Operating System Nub Key/OSNK as operating system secure platform file to verify the integrity of the subset/file (Ellison: column 10 lines 37-50). It would have been obvious to one having ordinary skill in the art to encrypt the credential using the OSNK to generate a secure copy of the credential for integrity checking because both prior art discloses verifying the integrity of data by comparing with another authenticated data. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to

combine the teachings of Ellison within the system of Childs because it prevents unauthorized tampering of data occurs on local system (Ellison: column 9 lines 40-45).

6. As per claim 5, Childs as modified discloses the system of claim 1. Childs further discloses wherein the storage process further comprises encrypting the value of the newly generated ClientID at the backend and storing the encrypted version of the ClientID on the backend in a ClientID record (Childs: column 4 lines 1-6).

7. As per claim 7, Childs as modified discloses the system of claim 1. Childs as modified further discloses wherein one of the first and second locations is the registry (Ellison: column 9 lines 38-40). Same rationale applies here as above in rejecting claim 1.

8. As per claim 8, Childs as modified discloses the system of claim 1. Childs further discloses wherein one of the first and second locations is the system configuration file (Ellison: column 8 lines 33-37 and column 10 lines 37-47). Same rationale applies here as above in rejecting claim 1.

9. As per claim 9, Childs as modified discloses the system of claim 1. Childs further discloses wherein the first and second locations are the registry and system configuration file (Ellison: column 8 lines 33-37: secure operating system platform; column 9 lines 38-40: registry

files; column 10 lines 37-47: the hash is encrypted by OSNK). Same rationale applies here as above in rejecting claim 1.

***Allowable Subject Matter***

10. Claims 2-4, 6 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments filed 2/20/08 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant mainly argues that the prior art of record does not disclose generating a unique ClientID by the backend for the client and the step does not require intermediate server. However, the Childs reference discloses storing a credential/ClientID at the client so that authentication is possible when the authentication server is not available (Childs: column 4 lines 38-47). Therefore, although Childs discloses the use of intermediate server, Childs also provides a method of providing credential to client as recited by claims 1 and 10.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2131

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SC